* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ **Crl. M.C. No. 272/2006**

% Date of Decision:26th November, 2007

\# **Mohit Ratna** .....Petitioner

! Through Mr. Jitendra Jain, Advocate,

Versus

$ **State of NCT of Delhi & Ors.** .....Respondents

^ Through Mr. Sanjay Lao, APP for the State.
Mr. Mohit Mathur, Advocate for the complainant

CORAM:

* **HON'BLE MR. JUSTICE P.K.BHASIN**

1. Whether Reporters of local papers may be allowed to see the Judgment?(No)
2. To be referred to the Reporter or not?(No)
3. Whether the judgment should be reported in the digest?(No)

JUDGMENT

P.K.BHASIN, J:

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 praying for quashing of FIR no. 598/2003 for the offences under Sections 406/409/470 of Indian Penal Code registered at police station Connaught Place and also the pending trial in the Court of Metropolitan

Magistrate, New Delhi against him.

2. Facts leading to the registration of the FIR are that the petitioner is the Director of M/s. Jupiter Systems Pvt. Ltd. and respondent no. 2-complaianant used to deal with him for transactions of sale and purchase of shares. Somewhere in April, 2002 the complainant gave certain shares to the petitioner to be sold and also gave Rs. 1,27,000/- for purchase of some shares. Later on the petitioner issued a cheque for Rs. 75,000/- for the past transactions entered into between them regarding sale of shares but that cheque was dishonored. Later on it transpired that the petitioner had played foul and got some shares illegally transferred from the D-Mat account of the respondent no. 2 by fabricating and forging documents. It was only thereafter that the disputes arose and an FIR was registered against the petitioner.

3. The complainant and accused have now resolved their disputes and arrived at an amicable settlement and the parties have executed a compromise deed dated 28.06.2004, copy of which has been placed on record and in view of that compromise this petition has been filed for quashing of the FIR. Learned counsel for the petitioner submitted that since compromise has been arrived at between the parties, no useful purpose would be served if the trial continues.

4. Notice of this petition was given to the State as well as respondent no. 2-complainant. On 19.09.2007 learned counsel for the complainant appeared in Court and affirmed that the dispute had been amicably resolved and that the complainant had no objection if the FIR in question is quashed.

5. Learned APP for the State, however, opposed quashing of the FIR on the ground that allegations against the petitioner are grave in nature and some of the offences in this case are not compoundable under Section 320 Cr.P.C. In support of this submission one judgment of the Hon'ble Supreme Court reported as ***2003 SCC (Crl.) 1238, "Inspector of Police, CBI v. B. Raja Gopal & Ors."*** was also cited by the learned APP.

6. It is now well settled by many judgments of the Hon'ble Supreme Court that FIRs even in respect of those offences which are not compoundable under section 320 Cr.P.C. can be quashed if it is felt by the Court while dealing with a quashing petition under section 482 Cr.P.C. that it would secure the ends of justice if the FIR is quashed and continuation of the criminal proceedings would amount to abuse of the process of law. One such judgment is reported as "***B.S.Joshi & Ors. Vs. State of Haryana & Anr.", AIR 2003 SC 1386.*** In another case reported as ***(2007 (2) Crimes***

329) criminal case pending in the Court for the offences punishable under Sections 418/409/166 I.P.C. was quashed by the Hon'ble Supreme Court because of the settlement between the complainant Trust and the accused persons despite the fact that offence under Section 409 I.P.C. attracts sentence of even life imprisonment. A Single Judge Bench of this Court also in a case reported as ***2006 (2) JCC 1127 "Sanjay Goel & Ors. v. The State"*** had quashed FIR in respect of offence under Section 467 I.P.C., which also attracts life imprisonment, because of the compromise arrived at between the complainant and the accused of that case. In the present case, the FIR against the accused came to be registered primarily because non-payment of the money due to the complainant in respect of the transactions entered into between the petitioner and the complainant for sale and purchase of shares. Since the complainant has received back the amount from the accused it would secure the ends of justice if the FIR registered against the petitioner is quashed. As far as the judgment relied upon by the learned APP is concerned I am of the view that the same does not help him because in that case public money was involved and so it was held in the facts of that case that even if the accused had repaid the bank's dues criminal proceedings of that case should not have been quashed by the High Court. In the present case no public money is involved since it is a case of private commercial transactions between the complainant and the accused.

7. In view of the foregoing, I allow this petition and consequently FIR no. 598/2003 for the offences under Sections 406/409/420 I.P.C. registered at Connaught Place Police Station stands quashed.

P.K.BHASIN,J

November 26, 2007
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